

REMARKS

This Amendment is being filed in response to the Final Office Action dated August 20, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-15 are currently pending in the Application. Claims 1 and 8 are independent claims.

Claims 1, 3 and 7 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,317,550 (Sembra). Claims 2, 4-6 and 8-15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sembra in view of U.S. Patent No. 6,229,773 (Chou). These rejections are respectfully traversed. It is respectfully submitted that these claims are patentable over Sembra alone and in view of Chou for at least the following reasons.

In the Response to Arguments Section of the Final Office Action, it is alleged that Col. 4, lines 25-32, Col. 6, lines 25-37, Col. 5, lines 62-67 and Col. 6, lines 1-37 in Sembra discloses "detecting at least one of a substantial deceleration, acceleration and stop of the sledge when moving radially by detecting a radial displacement of said platform with respect to said sledge; and

controlling the sledge based upon the detecting acts." (See Final Office Action, page 7). This position is respectfully refuted.

In fact, Semba does not detect the deceleration, acceleration or stop of the sledge by detecting the radial displacement of the platform with respect to the sledge. Rather, Semba utilizes a "signal 94, which is obtained by comparing reference velocity signal 92 and beam spot velocity 86 ..." (see, Semba, FIG. 1 and Col. 6, lines 25-30) for controlling the sledge and "fine actuator 28, the two actuators simultaneously contribute to stabilization of the position of the objective lens 20." (see, Semba, FIG. 1 and Col. 6, lines 31-34).

It is respectfully submitted that while Semba discloses a relative velocity signal 84 that is applied to both coarse actuator 26 and fine actuator 28, nowhere in the cited passages of Semba does Semba disclose detecting at least one of a substantial deceleration, acceleration or stop of the sledge when moving radially by detecting a radial displacement of said platform with respect to said sledge, to control the sledge based upon the detected substantial deceleration, acceleration or stop, as substantially recited in claim 1.

Accordingly, it is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Semba alone and in view of Chou. For example, Semba alone and in view of Chou does not disclose or suggest a method that amongst other patentable elements, comprises (illustrative emphasis provided) :

"detecting at least one of a substantial deceleration, acceleration and stop of the sledge when moving radially by detecting a radial displacement of said platform with respect to said sledge; and  
controlling the sledge based upon the detecting acts"

as recited in claim 1 and as substantially recited in claim 8. Chou is cited for allegedly showing other elements of the claims and as such, does nothing to cure the deficiencies in Semba. As discussed above, clearly Semba merely shows detecting a relative velocity.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 8 are patentable over Semba alone and in view of Chou and notice to this effect is earnestly solicited.

Claims 2-7 and 9-15 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as

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well as for the separately patentable elements contained in each of said claims.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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